



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JANET OLSZEWSKI
DIRECTOR

TO: All District Court Judges

FROM: Kurt E. Krause, Assistant Director
Office of Legal Affairs

RE: Criminal Responsibility Examinations

DATE: February 5, 2008

Please accept this correspondence on behalf of the Center for Forensic Psychiatry. The Michigan Department of Community Health (DCH) would like to kindly draw your attention to MCL 768.20a, regarding orders for evaluation relative to criminal responsibility examinations, in that it applies only to felony cases. The Center for Forensic Psychiatry receives numerous orders for criminal responsibility evaluations, in which the defendant was charged only with a misdemeanor. Please understand that the Center respects court orders and certainly wants to assist the district courts in any way that it can. However, given the clear language of the statute, as well as the Center's very limited resources, unfortunately, Center staff will not be able to perform criminal responsibility evaluations in misdemeanor cases.

Due to a large number of orders the Center has received concerning misdemeanor-only cases, The DCH previously alerted the Michigan District Judge's Association of the statute's sole applicability to felonies through correspondence with the MDJA President, Judge Kirk Tabbey. On November 19, 2007, Judge Tabbey graciously sent an e-mail to MDJA membership about this issue.

Again, please know that the Center and its staff stand ready and willing to perform court ordered competency evaluations in all cases, as well as criminal responsibility evaluations in felony matters. If you have any questions concerning this issue, please do not hesitate to call on me at (517) 335-2903.

Thank you.